

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

ERIC McDONALD,
Plaintiff

v.

**COMMONWEALTH OF
PENNSYLVANIA,**
Defendant

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CIVIL ACTION

NO. 22-CV-2612

ORDER

AND NOW, this 2nd day of November 2022, upon consideration of Eric McDonald's Motion to Proceed *In Forma Pauperis* (ECF No. 5), Prisoner Trust Fund Account Statement (ECF No. 6), and *pro se* Amended Complaint (ECF No. 7), it is hereby **ORDERED** that:

1. Leave to proceed *in forma pauperis* is **GRANTED** pursuant to 28 U.S.C. § 1915.
2. Eric McDonald, #5815, shall pay the full filing fee of \$350 in installments, pursuant to 28 U.S.C. § 1915(b), regardless of the outcome of this case. The Court directs the Warden of Northampton County Prison or other appropriate official to assess an initial filing fee of 20% of the greater of (a) the average monthly deposits to McDonald's inmate account; or (b) the average monthly balance in McDonald's inmate account for the six-month period immediately preceding the filing of this case. The Warden or other appropriate official shall calculate, collect, and forward the initial payment assessed pursuant to this Order to the Court with a reference to the docket number for this case. In each succeeding month when the amount in McDonald's inmate trust fund account exceeds \$10.00, the Warden or other appropriate official shall forward payments to the Clerk of Court equaling 20% of the preceding month's income credited to McDonald's inmate account until the fees are paid. Each payment shall refer to the docket number for this case.
3. The Clerk of Court is **DIRECTED** to send a copy of this Order to the

Warden of Northampton County Prison.

4. The Complaint is **DEEMED** filed.
5. McDonald's Amended Complaint is **DISMISSED WITH PREJUDICE** failure to state a claim, pursuant to 28 U.S.C. § 1915(e)(2)(B)(ii) for the reasons stated in the Court's Memorandum.
6. The Clerk of Court is **DIRECTED** to **CLOSE** this case for statistical purposes.

BY THE COURT:

/s/ Nitza I. Quiñones Alejandro

NITZA I. QUIÑONES ALEJANDRO

Judge, United States District Court